

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHN WALKER,	)	3:15-cv-00608-MMD-WGC
	)	
Plaintiff,	)	<b><u>ORDER</u></b>
	)	
vs.	)	
	)	
SGT. MILLER, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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Before the court is Plaintiff's Motion to Reconsider Plaintiff's Motion for Extension of Time (ECF No. 43). Numerous exhibits accompanied Plaintiff's motion.

Plaintiff's motion pertains to this court's order (ECF No. 39) denying Plaintiff's underlying Motion for Extension of Time to File Pleadings under Fed. R. Civ. P. 13, 14, 19 and 20 with Extension of Time for Discovery Related Issues (ECF No. 36). Defendants opposed Plaintiff's motion, contending Defendants had responded to Plaintiff's discovery and were current on their discovery obligations. (ECF No. 38.)

The court denied Plaintiff's motion because the time for completion of discovery was more than thirty (30) days after the filing of Plaintiff's motion. The motion was not denied on the basis of whether Defendants were or were not current on their discovery obligations.

The court will not reconsider its Order (ECF No. 39). The information Plaintiff subsequently provided in his reply memorandum (ECF No. 41, filed after the court had denied Plaintiff's motion) does not cause the court to suspect the validity and rationale for denying Plaintiff's motion for extension. To that extent, therefore, reconsideration is denied.


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1 Plaintiff's motion for reconsideration has more of the attributes of a motion to compel discovery  
2 responses. The real issue which appears to be raised in Plaintiff's motion is whether Defendants have  
3 appropriately responded to Plaintiff's discovery requests and whether NDOC/NNCC has sufficiently  
4 allowed Plaintiff access to certain materials, such as an incident video, medical records, etc. Although  
5 the court has concern whether Plaintiff has adequately satisfied the "meet and confer" obligations of LR  
6 26-7, the court will treat Plaintiff's motion for reconsideration as a motion to compel. Defendants will  
7 respond to Plaintiff's motion (ECF No. 43) as if it were a motion to compel within the time period which  
8 commenced upon the electronic filing and service of ECF No. 43.

9 The court is also aware, however, Plaintiff is seeking to amend his complaint to add two  
10 Defendants (Associate Warden Sheckengust and Warden Isidro Baca) and also delete or dismiss two  
11 current parties Defendant (Skulstad and Scott). (ECF No. 40.) The court has advised Plaintiff his motion  
12 needed to be accompanied by a proposed amended complaint, and Plaintiff has been afforded leave to  
13 file a proposed amended complaint within seven (7) days. (ECF No. 45.) The possible addition of two  
14 additional Defendants places the court's current scheduling order deadline for completion of discovery  
15 in jeopardy (ECF No. 32 at 2). Therefore, the discovery deadline is vacated until after the court can  
16 address Plaintiff's motion to amend and Plaintiff's motion for reconsideration (which the court is  
17 treating as a motion to compel).

18 **IT IS SO ORDERED.**

19 DATED: March 8, 2017.

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22 WILLIAM G. COBB  
23 UNITED STATES MAGISTRATE JUDGE  
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